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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,862	11/25/2000	Paul Lapstun	NPT008USUS	3962

24011 7590 08/25/2003

SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN, 2041  
AUSTRALIA

EXAMINER
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NGUYEN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/721,862

Applicant(s)

LAPSTUN ET AL.

Examiner

Kimberly D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Amendment*

1. Acknowledgement is made of Amendment filed 30 June 2003.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekendur (US 5,477,012).

Sekendur teaches a region having coded data thereon (fig. 1 ), wherein at least some of the coded data includes indicative of a functional attribute of a part of the region, i.e., the coded data includes means for indicating X-Y coordinates (figs. 1-5; col. 2, line 21 through col. 3, line 42; col. 4, lines 15-59).

Re claims 15: Sekendur teaches a sensing device 8 (fig. 6) for use with a region having coded data thereon, at least some of the coded data including data indicative of a functional attribute of a part of the region, the sensing device for sensing and reacting to data indicative of a functional attribute of a part of the region (figs. 1-6; col. 2, line 21 through col. 3, line 42; col. 4, lines 15-59; col. 4, line 60 through col. 5, line 10).

Re claim 16: Sekendur teaches a sensing device, wherein the sensing device provides at least one indication to a user (such as handwriting recognition, signature verification, or finger

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print recognition (col. 3, lines 5-16)) when it senses data indicative of a functional attribute of a part of the region.

Re claim 17: Sekendur teaches the sensing device, wherein the indication is selected from the group comprising a visual, aural, haptic, tactile, vibratory and any other human sensory modality, wherein handwriting recognition, signature verification, or finger print recognition (col. 3, lines 5-16) serves as visual indication.

Re claim 18: Sekendur teaches the sensing device, wherein the sensing device senses data indicative of a functional attribute of a part of the region, the sensing device transmits, to a computer system 16 (fig. 6), the sensed data or data based at least partially on the sensed data.

Re claims 19-20: Sekendur teaches a system including:

computer-system/personal computer (fig. 6), and

a sensing device 8 (fig. 6) for use with a region having coded data thereon (fig. 1), at least some of the coded data including data indicative of a functional attribute of a part of the region (col. 3, lines 5-16; col. 4, lines 15-59),

the sensing device for sensing data indicative of a functional attribute of a part of the region and for transmitting, to the computer system, the sensed data or data based at least partially on the sensed data (fig. 6; col. 2, line 62 through col. 3, line 4),

wherein the computer system executes, or commences execution of, a function related to the functional attribute of the sensed data (figs. 6-7; col. 5, lines 36-39).

### ***Response to Arguments***

4. Applicant's arguments filed 30 June 2003 have been fully considered but they are not persuasive.

5. In response to Applicants' argument "To begin with, Sekendur does not disclose data indicative of a "functional attribute". There is nothing "functional" about X-Y coordinates – they merely represent data that is indicative of a relative location. What "functional attribute" does Examiner contend is disclosed by the use of X-Y coordinates in Sekendur?" (see page 10, 4<sup>th</sup> paragraph), the examiner respectfully requests Applicants to further review Sekendur, by giving its broadest reasonable interpretation, Sekendur teaches "a surface formatted with a position-related coding means for coordinating X-Y coordinates..." (see col. 2, lines 58-61), wherein "coordinating" serves as a "functional attribute".

6. In response to Applicants' argument that "This position is further supported by the fact that claim 3 defines the additional feature of the coded data also being indicative of a location..." (see page 10, 6<sup>th</sup> paragraph, lines 1-2), the Examiner interprets "a surface such as paper formatted with a position-related coding means for indicating X-Y coordinates by the stylus at the time of use" (see col.2, lines 51-54), wherein "the position-related coding means", which serves as "coded data", and "indicating of X-Y coordinates", which serves as "indicative of a location".

7. In response to "Regarding claim 2-14, can Examiner please explain why no attempt has been made to provide a link between the disclosure of Sekendur and the claimed features?" (see page 11, 1<sup>st</sup> paragraph, lines 1-2), the Examiner respectfully remarks that hand writing recognition, written text, signature verification, and/or fingerprint recognition, etc. as taught by Sekendur meets the limitation(s) of claims 2-14 (e.g., in claim 2: The region of claim 1 wherein the functional attribute indicates **at least one** of the group comprising: a hyperlink, a hypertext

link, a button, a drawing field, a text field and a signature field; wherein the hand writing recognition and/or written text meets the "text field" limitation in claim 2).

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

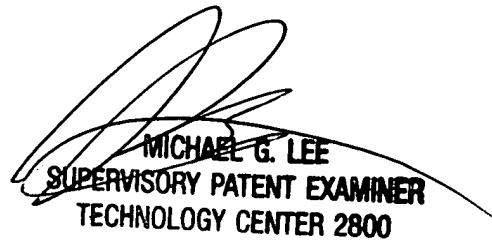
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KDN

August 18, 2003



MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800